

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

STEVEN NORTON,	)	CASE NO. 1:09 CV 1006
	)	
Plaintiff,	)	JUDGE CHRISTOPHER A. BOYKO
	)	
v.	)	MAGISTRATE JUDGE
	)	WILLIAM H. BAUGHMAN, JR.
COMMISSIONER OF SOCIAL	)	
SECURITY,	)	
	)	<b><u>REPORT &amp; RECOMMENDATION</u></b>
Defendant.	)	

This matter comes before the Magistrate Judge by automatic reference of administrative action<sup>1</sup> for review of the decision of the Commissioner of Social Security denying plaintiff's application for supplemental security benefits.<sup>2</sup>

On May 27, 2009, the Court filed the Magistrate Judge's Initial Order<sup>3</sup> setting forth the procedural schedule for filing the answer, transcript, and fact sheet in this case. The defendant's answer<sup>4</sup> and transcript<sup>5</sup> were filed on August 5, 2009, and plaintiff's fact sheet was, therefore, due August 25, 2009.

On September 14, 2009, the Court filed a show cause order requiring a response from plaintiff by September 21, 2009, as to why the complaint should not be dismissed for want of

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<sup>1</sup> Non-document docket entry of 05/27/2009.

<sup>2</sup> ECF # 1.

<sup>3</sup> ECF # 5.

<sup>4</sup> ECF # 9.

<sup>5</sup> ECF # 10.

prosecution for failure to file the fact sheet.<sup>6</sup> Neither the plaintiff's response to the show cause order nor the plaintiff's fact sheet has been received as of this date.

On consideration whereof, the Magistrate Judge recommends the dismissal of the above-captioned case with prejudice for failure to prosecute.

Dated: October 7, 2009

s/ William H. Baughman, Jr.  
United States Magistrate Judge

### **Objections**

Any objections to this Report and Recommendation must be filed with the Clerk of Courts within ten (10) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the District Court's order.<sup>7</sup>

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<sup>6</sup> ECF # 11.

<sup>7</sup> See *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). See also *Thomas v. Arn*, 474 U.S. 140 (1985), *reh'g denied*, 474 U.S. 1111 (1986).